

**United States Bankruptcy Court
Northern District of Illinois, Eastern Division**

Notice of Motion/Certificate of Service

David E Shepard
PO Box 51397
Chicago, IL 60651

Debtor Attorney: Cutler & Associates Ltd
via Clerk's ECF noticing procedures

On June 24, 2019 at 9:00AM, I will appear at the location listed to the right, and present this motion, a copy which is hereby served upon you.

- > Dirksen Federal Building
- > 219 South Dearborn
- > Courtroom 719
- > Chicago, IL 60604

I certify under penalty of perjury that this office caused a copy of this notice to be delivered to the persons named above by U.S. mail or by the methods indicated on or before Tuesday, June 11, 2019.

/s/ MARILYN O. MARSHALL
MARILYN O. MARSHALL, TRUSTEE

Motion to Dismiss for Material Default

Comes now Marilyn O. Marshall, Standing Trustee, and requests that this case be dismissed pursuant to 11 U.S.C. §1307(c), and in support thereof respectfully states the following:

1. The Debtor filed for Chapter 13 relief on May 13, 2016.
2. The Debtor's plan was Confirmed on September 7, 2016.
3. The Debtor's confirmed plan requires the debtor to submit tax returns and refunds to the Trustee starting with tax year 2016. Debtor has failed to tender 2018 taxes.
4. The Debtor has failed to tender either the tax return or refund.
5. The failure to tender the tax return and refund constitutes a material default of the Debtor's confirmed plan.

WHEREFORE, the Trustee prays that this case be dismissed, and for any and all other relief this Court deems just and proper.

Office of the Chapter 13 Trustee
224 S Michigan Ave
Ste 800
Chicago, IL 60604
(312) 431-1300

/s/ MARILYN O. MARSHALL
MARILYN O. MARSHALL, TRUSTEE